

DUNCAN J. McNEIL, III
 2030 W. SPOFFORD
 SPOKANE WA, 99205
 INDIGENT DISABLED
 UNLAWFULLY INCARCERATED
 CIVIL DETAINEE AND
 PLAINTIFF

RECEIVED

DATE: 7/29/05
 TIME: 19:00

FJ-16

2005 AUG -4 A 9:50

DEBRA P. HACKETT, CLK
 U.S. DISTRICT COURT
 MIDDLE DISTRICT ALA

05-587

U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

DUNCAN J. McNEIL, III

CASE NO.:

INDIGENT DISABLED
 UNLAWFULLY INCARCERATED
 CIVIL DETAINEE AND
 PLAINTIFF AND
 JUDGMENT CREDITOR

v.

FIRST AMENDED
 VERIFIED COMPLAINT
 FOR:

UNITED STATES, AND ITS
 OFFICERS AND AGENCIES:
 CLERK, U.S. DISTRICT COURT-
 MD-AL; CLERK, U.S.
 BANKRUPTCY COURT-MD-AL;
 U.S. ATTORNEY-MD-AL;
 OFFICE OF U.S. TRUSTEE
 -MD-AL; U.S. MARSHAL
 SERVICE-MD-AL; FBI-MD-
 AL; IRS-MD-AL; SECRET
 SERVICE-MD-AL; AND ALL
 JUDGMENT DEBTORS
 UNDER THE "FOREIGN
 JUDGMENTS" RESIDING
 OR DOING BUSINESS IN
 THIS DISTRICT, FICTITIOUSLY
 NAMED AS DOE 1 TO
 DOE 500,

DEFENDANTS AND
 JUDGMENT DEBTORS

"MD-AL" = "MIDDLE DISTRICT
 OF ALABAMA"

① COMMON LAW
 SUPPLEMENTAL BILL IN
 AID OF "FOREIGN
 JUDGMENTS";

② FOR CORRECTION OF
 AGENCY RECORDS AS TO
 PLAINTIFF AND THE
 "FOREIGN JUDGMENTS"
 PURSUANT TO 5 U.S.C. §
 552a(g);

③ FOR PROHIBITIVE AND
 MANDATORY INJUNCTIONS
 PER FRCP 65, ALONG WITH
 DECLARATORY JUDGMENT
 PURSUANT TO 28 U.S.C. §
 2201;

④ FOR APPOINTMENT OF
 A MASTER, PER FRCP
 53(d), AT THE COSTS OF THE
 JUDGMENT DEBTORS;

⑤ FOR ACTUAL DAMAGES,
 PUNITIVE DAMAGES, TREBLE
 DAMAGES ATTORNEY FEES
 AND COSTS PER 11 U.S.C. §
 362(h), 5 U.S.C. § 552a AND
 OTHER PROVISIONS OF LAW.

JURY TRIAL DEMANDED

1 I. JURISDICTION, VENUE AND PARTIES

2 1.01 THIS ACTION IS A COMMON LAW
3 ACTION, AS A SUPPLEMENTAL BILL IN THE
4 AID OF THE EXECUTION AND ENFORCEMENT
5 OF THE HEREIN IDENTIFIED "FOREIGN
6 JUDGMENTS, IN THIS JUDICIAL DISTRICT.

7 1.02 THAT THE TERM "FOREIGN
8 JUDGMENTS" SHALL HEREINAFTER
9 REFER TO THE FINAL JUDGMENTS PLED
10 IN THIS ACTION AT TP 2.1, AND AS LISTED
11 AND DESCRIBED ON EX.1 AND EX.2,
12 ATTACHED HERETO AND MADE A PART
13 HEREOF.

14 1.03 THAT PLAINTIFF IS A RESIDENT
15 OF SPOKANE, WA, EASTERN DISTRICT OF
16 WASHINGTON JUDICIAL DISTRICT, AND IS
17 PRESENTLY UNLAWFULLY INCARCERATED
18 AS A "CIVIL DETAINEE" IN DIRECT
19 RETALIATION AND RETRIBUTION FOR HIS
20 LAWFUL ACTS AND COURT APPOINTED DUTIES
21 TO OBTAIN EXECUTION AND ENFORCEMENT
22 OF THE "FOREIGN JUDGMENTS".

23 1.04 THE PLAINTIFF HAS COMMITTED
24 NO CRIME AND HAS NOT BEEN LAWFULLY
25 SENTANCED ON A VALID CRIMINAL CONVICTION.
26 AS A "CIVIL DETAINEE" THE PLAINTIFF
27 IS NOT A "PRISONER" AS DEFINED
28 BY 28 U.S.C. §1915, AND IS

1 THEREFORE NOT SUBJECT TO THE
2 "THREE STRIKES" PROVISIONS OF
3 28 U.S.C. § 1915(g).

4 1.05 PLAINTIFF IS PRESENTLY
5 UNDER IMMINENT DANGER OF SERIOUS
6 PHYSICAL INJURY, RESULTING DIRECTLY
7 FROM THE DEFENDANT'S ACTS OF
8 RETALIATION AND RETRIBUTION, AS A
9 RESULT OF AND TAKEN TO INTERFERE
10 WITH THE PLAINTIFF'S LAWFUL ACTS OF
11 EXECUTION AND ENFORCEMENT OF THE
12 FOREIGN JUDGMENTS.

13 1.06 THE PLAINTIFF'S IMMINENT
14 DANGER OF SERIOUS PHYSICAL INJURY, DUE
15 TO THE DEFENDANT'S ACTS OF RETALIATION
16 AND RETRIBUTION, INCLUDE BUT ARE
17 NOT LIMITED TO:

18 A. DEFENDANT'S INTENTIONAL
19 INDIFFERENCE TO THE PLAINTIFF'S HEALTH
20 SAFETY AND WELFARE, BY THE WITHHOLDING
21 OF REQUIRED MEDICATIONS, MEDICAL CARE
22 AND MEDICAL TREATMENT;

23 B. DEFENDANT'S VIOLATION OF
24 THE PLAINTIFF'S 1ST, 8TH & 14TH AMEND. RIGHTS
25 BY DETAINING PLAINTIFF IN 24/7
26 LOCKDOWN, WITHOUT ADEQUATE ACCESS TO
27 EXERCISE, PHONES, COURTS, LAW LIBRARY,
28 COPIER, RELIGIOUS COUNSELING, MENTAL

1 HEALTH COUNSELING, MEDICAL
2 TREATMENT OR OTHER REQUIRED
3 OR NECESSARY SERVICES;

4 C. DEFENDANT'S HOUSING
5 OF THE PLAINTIFF (A MINIMUM
6 SECURITY CLASSIFIED INMATE WITH A
7 "-1" SCORE^① ON THE WASPC OBJECTIVE
8 JAIL CLASSIFICATION ASSESSMENT) IN
9 MEDIUM AND MAXIMUM HOUSING, AT GREAT
10 RISK TO THE PLAINTIFF, RESULTING IN ~~AT~~
11 LEAST ONE ~~WASPC~~ PRIOR VIOLENT ASSAULT,
12 AND 3 OR MORE ATTACKS OR THREATENED
13 ATTACKS BY HIGH RISK INMATES, AGAINST
14 THE PLAINTIFF, PLACING PLAINTIFF'S SAFETY
15 AT A ~~AT~~ ONGOING AND CONTINUAL RISK.

16 1.07 ONE OR MORE OF THE
17 DEFENDANTS AND JUDGMENT DEBTORS
18 IS A RESIDENT OF THIS JUDICIAL DISTRICT OR
19 HAS PROPERTY, SUBJECT TO THE "FOREIGN
20 JUDGMENTS" IN THIS JUDICIAL DISTRICT
21 OR DOES BUSINESS IN THIS JUDICIAL
22 DISTRICT, SO DIVERSITY EXISTS.

23 1.08 THAT THE DEFENDANTS AND
24 JUDGMENT DEBTORS HAVE UNLAWFULLY
25 SEIZED THE PLAINTIFF'S OFFICE, RESIDENCE
26

27 ^① PLAINTIFF IS A "-1" SCORE ON A SCALE OF 0 TO 31,
28 THE LOWEST POSSIBLE SCORE AND CLASSIFICATION.

1 BUSINESS RECORDS, LEGAL RECORDS AND
2 FINANCIAL RECORDS, IN VIOLATION OF
3 THE PLAINTIFF'S 1ST, 4TH, 5TH, 6TH & 14TH
4 AMEND. RIGHTS AND AS A RESULT THEREOF OF
5 THE NON-FEDERAL AGENCY JUDGMENT
6 DEBTORS, ~~BE~~ ^{RESIDING} SUBJECT TO THE FOREIGN
7 JUDGMENTS, ^{JUDICIAL} IN THIS DISTRICT, ARE
8 FICTITIOUSLY NAMED IN THIS ACTION AS
9 DOE 1 TO DOE 500. UPON THE RECOVERY
10 OF THE PLAINTIFF'S RECORDS AND UPON THIS
11 COURT'S ENTRY OF JUDGMENTS IN THIS
12 DISTRICT, GRANTING FULL FAITH AND CREDIT TO
13 THE "FOREIGN JUDGMENTS" THE PLAINTIFF
14 WILL SEEK TO AMEND THIS ACTION, OR WILL
15 INITIATE FURTHER SUPPLEMENTAL
16 PROCEEDINGS ON THE JUDGMENTS OF THIS
17 COURT, NAMING SPECIFIC JUDGMENT DEBTORS
18 AND SPECIFIC PROPERTY, LOCATED WITHIN THIS
19 DISTRICT, SUBJECT TO ATTACHMENT, EXECUTION
20 OR ENFORCEMENT OF THE "FOREIGN
21 JUDGMENTS"

22 1.09 THIS COURT HAS FURTHER
23 JURISDICTION OVER THIS COMMON LAW ACTION
24 IN THE AID OF THE "FOREIGN JUDGMENTS"
25 PURSUANT TO THE FEDERAL QUESTION
26 STATUTE, 28 U.S.C. § 1331. THE FEDERAL
27 QUESTIONS IN THIS ACTION, INCLUDE BUT
28 ARE NOT LIMITED TO:

1.10. THE REGISTRATION AND GRANTING OF FULL FAITH AND CREDIT AS TO THE "FOREIGN JUDGMENTS" IN THIS COURT AND IN THIS JUDICIAL DISTRICT, PURSUANT TO 28 U.S.C. § 1963, 28 U.S.C. § 1738, U.S. CONST. ART IV § 1, AND OTHER FEDERAL LAWS;

1.11 THE ENFORCEMENT OF LIENS OR CLAIMS ARISING FROM THE "FOREIGN JUDGMENTS" AS TO REAL OR PERSONAL PROPERTY WITHIN THIS DISTRICT, PURSUANT TO 28 U.S.C. § 1655 AND OTHER FEDERAL LAWS;

1.12 THE ENFORCEMENT OF THE REIMPOSED AUTOMATIC STAY, PURSUANT TO 11 U.S.C. § 362, IN THIS DISTRICT, PURSUANT TO THE TERMS OF THE "FOREIGN JUDGMENTS";

1.13 THE ENFORCEMENT OF THE DISCHARGE AND DISCHARGE INDEMNITY, PURSUANT TO 11 U.S.C. § 524 AND 11 U.S.C. § 1141, IN THIS DISTRICT, PURSUANT TO THE TERMS OF THE "FOREIGN JUDGMENTS";

1.14 THE EXECUTION AND ENFORCEMENT OF THE "FOREIGN JUDGMENTS" IN THIS DISTRICT, PURSUANT TO FRCP 58(a)(1), 69(a), 70 & 71, AND OTHER FEDERAL LAWS;

1.15 THE ENFORCEMENT OF

1 THE PLAINTIFFS RIGHTS UNDER
 2 THE 1ST, 4TH, 5TH, 6TH, 8TH & 14TH AMEND,
 3 OF THE U.S. CONST, AS TO THE
 4 DEFENDANTS AND THE JUDGMENT
 5 DEBTORS;

6 1.16 THE DUTIES OF THE FEDERAL
 7 AGENCY DEFENDANTS TO MAINTAIN,
 8 COLLECT AND DISTRIBUTE ACCURATE
 9 AGENCY RECORDS AS TO THE PLAINTIFF
 10 AND THE "~~JUDGMENTS~~" FOREIGN JUDGMENTS;
 11 PURSUANT TO 5 U.S.C. § 552a, AND
 12 OTHER PROVISIONS OF LAW.

13 1.17 THAT THE PLAINTIFF IS THE
 14 LAWFUL OWNER ~~OF THE~~ AND TRUSTEE,
 15 AS TO THE RIGHTS AND PROPERTY
 16 VESTED BY THE "FOREIGN JUDGMENTS"
 17 AND BY THIS COMMON LAW ACTION,
 18 AND SUPPLEMENTAL BILL IN THE ~~THE~~ AID OF
 19 THE "FOREIGN JUDGMENTS", INVOKES
 20 THE JURISDICTION AND POWER OF THIS
 21 COURT TO ENFORCE AND CARRY INTO
 22 EFFECT THE "FOREIGN JUDGMENTS",
 23 WHERE IT IS WELL SETTLED THAT THIS
 24 COURT OF EQUITY, CAN CARRY INTO EFFECT
 25 THE "FOREIGN JUDGMENTS", WHICH ARE
 26 FINAL JUDGMENTS WHICH REMAIN
 27 UNREVERSED, WHERE THE SUBJECT MATTER
 28 OF THIS ACTION IS THE SAME AS THE

1 SUBJECT MATTER OF THE
2 PROCEEDINGS FROM WHICH THE
3 "FOREIGN JUDGMENTS" AROSE, AS THE
4 "FOREIGN JUDGMENTS" ARE IRREVERSIBLE,
5 UNREVIEWABLE AND UNIMPEACHABLE
6 DECREES, ORDERS AND EXECUTIONS, WITH
7 FINALLY ENTITLED TO FULL FAITH AND
8 CREDIT IN THIS COURT AND IN THIS
9 DISTRICT.

10 II. PLAINTIFF & DEFENDANT'S "DUTIES"

11 THE PLAINTIFF INCORPORATES HEREIN ALL
12 STATEMENTS, FACTS AND AVERMENTS MADE
13 IN P 2; AND ALL SUB-PARAGRAPHS THERETO,
14 IN PLAINTIFF'S ORIGINAL COMPLAINT IN THIS
15 ACTION.

16 III. CLAIMS

17 THE PLAINTIFF INCORPORATES HEREIN
18 ALL STATEMENTS, FACTS AND AVERMENTS
19 MADE IN P 3, AND ALL SUB-PARAGRAPHS
20 THERETO, IN PLAINTIFF'S ORIGINAL
21 COMPLAINT IN THIS ACTION.

22 IV. PRAYER

23 THE PLAINTIFF INCORPORATES HEREIN
24 ALL STATEMENTS, FACTS, ~~AND~~ PRAYERS AND
25 RELIEF REQUESTED IN P 4 (P 4.1 TO P 4.6) OF
26 THE PLAINTIFF'S ORIGINAL COMPLAINT.

27 4.7 THE PLAINTIFF PRAYS
28 FOR AN ORDER OF THIS COURT COMMANDING

1 THE CLERK OF THIS COURT TO OBTAIN
2 CERTIFIED COPIES OF THE "FOREIGN
3 JUDGMENTS" LISTED ON EX-2, FOR FILING,
4 REGISTRATION, AND THE GRANTING OF FULL
5 FAITH AND CREDIT, WITH EXECUTION AND
6 ENFORCEMENT THEREON, IN THIS COURT,
7 IN THIS ^{JUDICIAL} DISTRICT.

8 4.8 PLAINTIFF PRAYS FOR ISSUANCE
9 OF TRO/OSC, WITHOUT NOTICE AND A
10 PRELIMINARY INJUNCTION AFTER SERVICE,
11 NOTICE AND A HEARING TO ENFORCE THE
12 TERMS OF THE "FOREIGN JUDGMENTS" AND
13 TO ENJOIN ANY FURTHER VIOLATIONS OF
14 THE "FOREIGN JUDGMENTS" AND THE
15 PLAINTIFF'S CIVIL AND CONSTITUTIONAL
16 RIGHTS, ALONG WITH THE APPOINTMENT OF
17 A MASTER TO ENFORCE AND EXECUTE THE
18 "FOREIGN JUDGMENTS", AT THE COSTS OF
19 THE JUDGMENT DEBTORS, PURSUANT TO
20 FRCP 53 (b) AND GS.

21 DATED: 7/29/05


PLAINTIFF

22 VERIFICATION

23 I, DUNCAN T. McNEIL, III, HEREBY DECLARE THAT ALL
24 STATEMENTS, FACTS OR AFFIRMATIONS OR CLAIMS MADE
25 HEREIN ARE MADE IN GOOD FAITH, ARE NON-FRIVOLOUS
26 AND ARE TRUE AND CORRECT UNDER THE PENALTY OF
27 PERJURY PURSUANT TO THE LAWS OF THE U.S.

28 DATED: 7/29/05

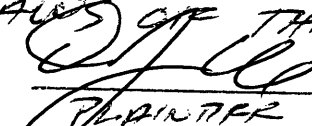

PLAINTIFF

EXHIBIT "1"

1
2 PLAINTIFF INCORPORATES HEREIN
3 THE "CERTIFICATION OF JUDGMENT FOR
4 REGISTRATION IN ANOTHER DISTRICT"
5 ATTACHED TO PLAINTIFF'S ORIGINAL
6 COMPLAINT IN THIS ACTION, AS PAGES
7 17 OF 22 TO 22 OF 22, AS THROUGH
8 FULLY SET FORTH HEREIN.
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FOREIGN JUDGMENTS

EXHIBIT "2"

- a. NOTICE of Filing of "Assignment of Interests in Bankruptcy Court Judgments Rendered in Another District, for the Benefit of Creditors, in aid of the Judgment, and in the aid of the Enforcement and Execution Thereof", filed 3-22-02 in Misc Case No 02-02, filed as Docket #535, on March 22, 2002, in Case No. 01-06073-W11, USBC-ED-WA;
- b. "Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan; Combined With Notice Thereof", (hereinafter "Broadway Disclosure Statement"), entered December 21, 1998, as Docket #112 in Case No. LA 98-18082-SB, USBC-CD-CA-LA;
- c. "Order Approving Judgment Creditors' Second Amended Chapter 11 Plan", (hereinafter "Broadway's First Plan w/Discharge"), entered March 19, 1999, in Case No. LA 98-18082-SB, , USBC-CD-CA-LA, as Docket #129, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service on Counsel;
- d. "Order Approving Judgment Creditors' Second Amended Chapter 11 Plan (As Modified)", (hereinafter "Broadway's Second Plan"), entered June 16, 1999, in Case No. LA 98-18082-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service;
- e. "Findings of Fact and Conclusions of Law in Support of Order Disallowing Claims of John H. Smith and Robert Hayes", (hereinafter "Fraudulent Deed Findings"), entered December 29, 1998, in Adversary Case No. AD-98-01685-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service;
- f. "Judgment and Order Pursuant to Summary Judgment Motions", (hereinafter "Fraudulent Deed Judgment"), entered December 29, 1998, in Adversary Case No. AD 98-01685-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service;
- g. "Stipulated Order Re: Liability and Damages", entered October 30, 2000 in Case No. CS-97-435-RHW, USDC-ED-WA;
- h. Writ of Obedience #02-0001, issued May 31, 2002, in Spokane County Superior Court Case No. 02-2-02825-4;
- i. Writ of Obedience #02-0002, issued June 6, 2002, in Case No. 02-2-02825-4;
- j. Writ of Obedience #02-0003, issued June 7, 2002, in Case No. 02-2-02825-4;
- k. Writ of Obedience #02-0004, issued June 12, 2002, in Case No. 02-2-02825-4;
- l. Writ of Obedience #02-0005, issued July 18, 2002, in Case No. 02-2-02825-4;
- m. ORDER denying relief from stay Re: Item # 41. with Notice of Entry, filed 1/11/2000 as Docket #137, incorporating therein "Opposition Re: Item # 41. to motions to lift stay: opposition to motion to annul stay, filed 12/9/1999, as Docket #94", and incorporating "Opposition Re: Item # 57, to motion to lift stay and to motion to annul, filed 12/10/1999, as Docket #95"; all filed in Case No. LA 99-39555-SB, USBC-CD-CA-LA;
- n. BAP/USDC appeal judgment - the Bankruptcy Court judgment is AFFIRMED. BAP #CC-00-1049 RE: Item #154, filed 1/16/2001, as Docket #359, Case No. LA 99-39555-SB, USBC-CD-CA-LA;
- o. ORDER Granting Debtors Motion to Strike Liens, filed 9/15/1998, as Docket #199, in Case No. 96-02980-K11, USBC-ED-WA;
- p. NOTICE of Filing of "Request to Clerk for Registration of Judgment Rendered in Another Court, filed 3-21-02 as Misc Case No. 02-01 (02-01731 DJM \$), filed 3/27/2002, as Docket #536, Case No. 01-06073-W11, USBC-ED-WA;
- q. EXHIBIT I Admitted at hearing on 12-5-01; re: Amendment to Settlement Agreement and Mutual Release and Personal Services Contract Effective 5-24-01 between Duncan J McNeil and Broadway Buildings II LP. Re: Oust Motin to Convert Case to Ch 7, Docket #44 & Joinder therein Docket #212, as Docket #459, Case No. 01-06073-W11, USBC-ED-WA;

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- 1 r. EXHIBIT J Admitted at hearing on 12-5-01; Re: Amendment to Settlement
2 Agreement and Mutual Release and Personal Services Contract, effective 8-17-01
3 between Duncan J McNeil, GMFT Reorganization Corporation, and Broadway
4 Buildings II LP RE: Oust Motion to Convert Case to Ch 7, Docket #44 and Joinder
5 therein Docket #212, filed 1/4/2002, as Docket #460, Case No. 01-06073-W11,
6 USBC-ED-WA;
7 s. PROPOSED Exhibit "D-D" to Supplement Exhibits offered at hearing on 12-5-01;
8 RE: 1) Standard Form 95 Claim for Damages filed by Duncan J McNeil 11-23-99
9 with the Oust-Ed-WA, in the Sum of \$5211.926,, filed 2/6/2002, as Docket
10 #'s 506, 506A, Case No. 01-06073-W11, USBC-ED-WA;
11 t. PROPOSED Exhibit "I-I" to Supplement Exhibits offered at hearing on 12-5-01; re:
12 1) Standard Form 95 Claim for Damages filed by Duncan J. McNeil on 3-6-98 with
13 the Oust-Ed-WA, in the sum of \$4,651,000. Re: Oust Motion to Convert Case to Ch
14 7, Docket #44 and Joinder therein Docket #212, filed 2/11/2002, as Docket #512,
15 Case No. 01-06073-W11, USBC-ED-WA;
16 u. (1) NOTICE of Separation Contract & Dissolution of Marriage Contract Pursuant to
17 RCW 26.0-9.070 filed 7-26-01 as Document #4613783 with the County Recorder for
18 Spokane County, Washington, (pages 1 of 29 to 29 of 29); (2) JOINT Petition for
19 Dissolution of Marriage, filed 7-26-01 in Case No. 01-301586-7 (pages 2 of 29 to 5
20 of 29; 3) SEPARATION Contract and Dissolution of Marriage Contract Pursuant to
21 RCW 26.09.070, filed 7-26-01 in Case No. 01-301586-7, (pages 6 of 29 to 29 of 29),
22 filed 2/6/2002, as Docket #505, Case No. 01-06073-W11, USBC-ED-WA;
23 v. DECREE OF DISSOLUTION; entered 12/8/03 in Spokane County Superior Court
24 Case 02-302795-2, except those portions of the decree that were entered in violation
25 of law, and in violation of the Complainant's civil and constitutional rights, as a
26 parent.
27
28